

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 124

# HOUSE BILL 2083

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-1204, 13-2401, 16-153, 28-454, 39-123  
AND 39-124, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT AND  
PROSECUTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to  
3 read:

4 11-483. Records maintained by county recorder; peace officers;  
5 prosecutors; confidentiality; definitions

6 A. Notwithstanding any other provision of this article, in counties  
7 with a population of more than five hundred thousand persons according to the  
8 most recent United States decennial census a peace officer OR PROSECUTOR may  
9 request that the general public be prohibited from accessing the unique  
10 identifier and the recording date contained in indexes of recorded  
11 instruments maintained by the county recorder and may request the recorder  
12 to prohibit access to the peace officer's OR PROSECUTOR'S residential address  
13 and telephone number contained in instruments or writings recorded by the  
14 county recorder and made available on the internet.

15 B. A peace officer OR PROSECUTOR may request this action by filing an  
16 affidavit that states all of the following:

17 1. The peace officer's OR PROSECUTOR'S name.

18 2. The full legal description and parcel number of the peace officer's  
19 OR PROSECUTOR'S property.

20 3. The position the peace officer OR PROSECUTOR currently holds and  
21 a description of the peace officer's OR PROSECUTOR'S duties.

22 4. The reasons the peace officer OR PROSECUTOR reasonably believes  
23 that the peace officer's OR PROSECUTOR'S life or safety or that of another  
24 person is in danger and that restricting access pursuant to this section will  
25 serve to reduce the danger.

26 5. The recording number and recording date of each instrument for  
27 which the peace officer OR PROSECUTOR requests access restriction pursuant  
28 to this section.

29 C. If a peace officer OR PROSECUTOR is also requesting pursuant to  
30 section 11-484 that the general public be prohibited from accessing records  
31 maintained by the county assessor and county treasurer, the peace officer OR  
32 PROSECUTOR may combine the request pursuant to subsection B of this section  
33 with the request pursuant to section 11-484 by filing one affidavit with the  
34 officer's commanding officer, OR WITH THE HEAD OF THE PROSECUTING AGENCY OR  
35 THAT PERSON'S DESIGNEE. The affidavit and subsequent action by the  
36 appropriate authorities shall meet all of the requirements of this section  
37 and section 11-484.

38 D. The affidavit shall be filed with the presiding judge of the  
39 superior court in the county in which the affiant resides. To prevent a  
40 multiplicity of filings, a peace officer OR PROSECUTOR shall deliver the  
41 affidavit to the peace officer's commanding officer, OR TO THE HEAD OF THE  
42 PROSECUTING AGENCY OR THAT PERSON'S DESIGNEE, who shall file the affidavits  
43 at one time. In the absence of an affidavit that contains a request for  
44 immediate action and that is supported by facts justifying an earlier  
45 presentation, the commanding officer, OR THE HEAD OF THE PROSECUTING AGENCY

1 OR THAT PERSON'S DESIGNEE, shall not file AFFIDAVITS more often than  
2 quarterly affidavits of peace officers presented to the commanding officer.

3 E. On receipt of an affidavit or affidavits, the presiding judge of  
4 the superior court shall file with the clerk of the superior court a petition  
5 on behalf of all requesting peace officers OR PROSECUTORS. Each affidavit  
6 presented shall be attached to the petition. In the absence of an affidavit  
7 that contains a request for immediate action and that is supported by facts  
8 justifying an earlier consideration, the presiding judge may accumulate  
9 affidavits and file a petition at the end of each quarter.

10 F. The presiding judge of the superior court shall review the petition  
11 and each attached affidavit to determine whether the action requested by each  
12 peace officer OR PROSECUTOR should be granted. If the presiding judge of the  
13 superior court concludes that the action requested by the peace officer OR  
14 PROSECUTOR will reduce a danger to the life or safety of the peace officer,  
15 PROSECUTOR or another person, the presiding judge of the superior court shall  
16 order that the recorder prohibit access for five years to the peace officer's  
17 OR PROSECUTOR'S residential address and telephone number contained in  
18 instruments or writings recorded by the county recorder and made available  
19 on the internet. If the presiding judge of the superior court concludes that  
20 the peace officer, THE PROSECUTOR or another person is in actual danger of  
21 physical harm from a person or persons with whom the peace officer OR  
22 PROSECUTOR has had official dealings and that action pursuant to this section  
23 will reduce a danger to the life or safety of the peace officer, THE  
24 PROSECUTOR or another person, the presiding judge of the superior court shall  
25 order that the general public be prohibited for five years from accessing the  
26 unique identifier and the recording date contained in indexes of recorded  
27 instruments maintained by the county recorder and identified pursuant to  
28 subsection B of this section.

29 G. On entry of the court order, the clerk of the superior court shall  
30 file the court order and a copy of the affidavit required by subsection B of  
31 this section with the county recorder. No more than ten days after the date  
32 on which the county recorder receives the court order, the county recorder  
33 shall restrict access to the information as required by subsection F of this  
34 section.

35 H. If the court denies an affiant's request pursuant to this section,  
36 the affiant may request a court hearing. The hearing shall be conducted by  
37 the court in the county where the petition was filed.

38 I. The recorder shall remove the restrictions on all records  
39 restricted pursuant to this section by January 5 in the year after the court  
40 order expires.

41 J. To include subsequent recordings in the court order, the peace  
42 officer OR PROSECUTOR shall present to the county recorder at the time of  
43 recordation a certified copy of the court order. The recorder shall insure  
44 that public access shall be restricted pursuant to subsection A of this  
45 section.

1 K. This section shall not be interpreted to restrict access to public  
2 records for the purposes of perfecting a lien pursuant to title 12, chapter  
3 9, article 2.

4 L. This section does not prohibit access to the records of the county  
5 recorder by a title insurer, a title insurance agent or an escrow agent  
6 licensed by the department of insurance or the department of banking.

7 M. For the purposes of this section:

8 1. "Indexes" means only those indexes that are maintained by and  
9 located in the office of the county recorder, that are accessed  
10 electronically and that contain information beginning from and after January  
11 1, 1987.

12 2. "Peace officer" means any person vested by law, or formerly vested  
13 by law, with a duty to maintain public order and make arrests.

14 3. "PROSECUTOR" MEANS COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR  
15 ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY COUNTY ATTORNEY, MUNICIPAL  
16 PROSECUTOR OR ATTORNEY GENERAL.

17 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:

18 11-484. Records maintained by county assessor and county  
19 treasurer; peace officers; prosecutors; redaction;  
20 definitions

21 A. Notwithstanding any other provision of this article, in counties  
22 with a population of more than five hundred thousand persons according to the  
23 most recent United States decennial census a peace officer OR PROSECUTOR may  
24 request that the general public be prohibited from accessing the peace  
25 officer's OR PROSECUTOR'S residential address and telephone number that are  
26 contained in instruments, writings and information maintained by the county  
27 assessor and the county treasurer.

28 B. A peace officer OR PROSECUTOR may request this action by filing an  
29 affidavit that states all of the following:

30 1. The peace officer's OR PROSECUTOR'S name.

31 2. The full legal description and parcel number of the peace officer's  
32 OR PROSECUTOR'S property.

33 3. The position the peace officer OR PROSECUTOR currently holds and  
34 a description of the peace officer's OR PROSECUTOR'S duties.

35 4. The reasons the peace officer OR PROSECUTOR reasonably believes  
36 that the peace officer's OR PROSECUTOR'S life or safety or that of another  
37 person is in danger and that redacting the residential address and telephone  
38 number will serve to reduce the danger.

39 C. If a peace officer OR PROSECUTOR is also requesting pursuant to  
40 section 11-483 that the general public be prohibited from accessing records  
41 maintained by the county recorder, the peace officer OR PROSECUTOR may  
42 combine the request pursuant to subsection B of this section with the request  
43 pursuant to section 11-483 by filing one affidavit with the officer's  
44 commanding officer, OR WITH THE HEAD OF THE PROSECUTING AGENCY OR THAT  
45 PERSON'S DESIGNEE. The affidavit and subsequent action by the appropriate

1 authorities shall meet all of the requirements of this section and section  
2 11-483.

3 D. The affidavit shall be filed with the presiding judge of the  
4 superior court in the county in which the affiant resides. To prevent a  
5 multiplicity of filings, a peace officer OR PROSECUTOR shall deliver the  
6 affidavit to the peace officer's commanding officer, OR TO THE HEAD OF THE  
7 PROSECUTING AGENCY OR THAT PERSONS' DESIGNEE, who shall file the affidavits  
8 at one time. In the absence of an affidavit that contains a request for  
9 immediate action and that is supported by facts justifying an earlier  
10 presentation, the commanding officer, OR THE HEAD OF THE PROSECUTING AGENCY  
11 OR THAT PERSON'S DESIGNEE, shall not file AFFIDAVITS more often than  
12 quarterly affidavits of peace officers presented to the commanding officer.

13 E. On receipt of an affidavit or affidavits, the presiding judge of  
14 the superior court shall file with the clerk of the superior court a petition  
15 on behalf of all requesting peace officers OR PROSECUTORS. Each affidavit  
16 presented shall be attached to the petition. In the absence of an affidavit  
17 that contains a request for immediate action and that is supported by facts  
18 justifying an earlier consideration, the presiding judge may accumulate  
19 affidavits and file a petition at the end of each quarter.

20 F. The presiding judge of the superior court shall review the petition  
21 and each attached affidavit to determine whether the action requested by each  
22 peace officer OR PROSECUTOR should be granted. If the presiding judge of the  
23 superior court concludes that the action requested by the peace officer OR  
24 PROSECUTOR will reduce a danger to the life or safety of the peace officer  
25 OR PROSECUTOR or another person, the presiding judge of the superior court  
26 shall order the redaction of the peace officer's OR PROSECUTOR'S residential  
27 address and telephone number that are contained in instruments, writings and  
28 information maintained by the county assessor and the county treasurer. The  
29 redaction shall be in effect for five years.

30 G. On entry of the court order, the clerk of the superior court shall  
31 file the court order and a copy of the affidavit required by subsection B of  
32 this section with the county assessor and the county treasurer. No more than  
33 ten days after the date on which the county assessor and the county treasurer  
34 receive the court order, the county assessor and the county treasurer shall  
35 restrict access to the information as required by subsection F of this  
36 section.

37 H. If the court denies an affiant's request pursuant to this section,  
38 the affiant may request a court hearing. The hearing shall be conducted by  
39 the court in the county where the petition was filed.

40 I. The county assessor and the county treasurer shall remove the  
41 restrictions on all records that are redacted pursuant to this section by  
42 January 5 in the year after the court order expires.

43 J. FOR THE PURPOSES OF THIS SECTION:

44 1. "Peace officer" means any person vested by law, or formerly vested  
45 by law, with a duty to maintain public order and make arrests.

1           2. "PROSECUTOR" MEANS COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR  
2 ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY COUNTY ATTORNEY, MUNICIPAL  
3 PROSECUTOR OR ATTORNEY GENERAL.

4           Sec. 3. Section 13-1204, Arizona Revised Statutes, is amended to read:  
5           13-1204. Aggravated assault; classification; definition

6           A. A person commits aggravated assault if the person commits assault  
7 as defined in section 13-1203 under any of the following circumstances:

8           1. If the person causes serious physical injury to another.

9           2. If the person uses a deadly weapon or dangerous instrument.

10          3. If the person commits the assault after entering the private home  
11 of another with the intent to commit the assault.

12          4. If the person is eighteen years of age or more OLDER and commits  
13 the assault upon a child the age of fifteen years or under.

14          5. If the person commits the assault knowing or having reason to know  
15 that the victim is a peace officer, or a person summoned and directed by the  
16 officer while engaged in the execution of any official duties.

17          6. If the person commits the assault knowing or having reason to know  
18 the victim is a teacher or other person employed by any school and the  
19 teacher or other employee is upon the grounds of a school or grounds adjacent  
20 to the school or is in any part of a building or vehicle used for school  
21 purposes, or any teacher or school nurse visiting a private home in the  
22 course of the teacher's or nurse's professional duties, or any teacher  
23 engaged in any authorized and organized classroom activity held on other  
24 than school grounds.

25          7. If the person meets both of the following conditions:

26          (a) Is imprisoned or otherwise subject to the custody of any of the  
27 following:

28           (i) The state department of corrections.

29           (ii) The department of juvenile corrections.

30           (iii) A law enforcement agency.

31           (iv) A county or city jail or an adult or juvenile detention facility  
32 of a city or county.

33           (v) Any other entity that is contracting with the state department of  
34 corrections, the department of juvenile corrections, a law enforcement  
35 agency, another state, any private correctional facility, a county, a city  
36 or the federal bureau of prisons or other federal agency that has  
37 responsibility for sentenced or unsentenced prisoners.

38          (b) Commits an assault knowing or having reason to know that the  
39 victim is acting in an official capacity as an employee of any of the  
40 entities prescribed by subdivision (a) of this paragraph.

41          8. If the person commits the assault while the victim is bound or  
42 otherwise physically restrained or while the victim's capacity to resist is  
43 substantially impaired.

44          9. If the person commits the assault knowing or having reason to know  
45 that the victim is a fire fighter, fire investigator, fire inspector,

1 emergency medical technician or paramedic engaged in the execution of any  
2 official duties, or a person summoned and directed by such individual while  
3 engaged in the execution of any official duties.

4 10. If the person commits the assault knowing or having reason to know  
5 that the victim is a licensed health care practitioner who is certified or  
6 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned  
7 and directed by the licensed health care practitioner while engaged in the  
8 person's professional duties. The provisions of this paragraph do not apply  
9 if the person who commits the assault is seriously mentally ill, as defined  
10 in section 36-550, or is afflicted with Alzheimer's disease or related  
11 dementia.

12 11. If the person commits assault by any means of force which causes  
13 temporary but substantial disfigurement, temporary but substantial loss or  
14 impairment of any body organ or part, or a fracture of any body part.

15 12. If the person commits assault as prescribed by section 13-1203,  
16 subsection A, paragraph 1 or 3 and the person is in violation of an order of  
17 protection issued against the person pursuant to section 13-3602 or 13-3624.

18 13. IF THE PERSON COMMITS THE ASSAULT KNOWING OR HAVING REASON TO KNOW  
19 THAT THE VICTIM IS A PROSECUTOR.

20 B. Except pursuant to subsection SUBSECTIONS C AND D of this section,  
21 aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section  
22 is a class 3 felony except if the victim is under fifteen years of age in  
23 which case it is a class 2 felony punishable pursuant to section 13-  
24 604.01. Aggravated assault pursuant to subsection A, paragraph 11 of this  
25 section is a class 4 felony. Aggravated assault pursuant to subsection A,  
26 paragraph 7 of this section is a class 5 felony. Aggravated assault pursuant  
27 to subsection A, paragraph 3, 4, 5, 6, 8, 9, 10 or, 12 OR 13 of this section  
28 is a class 6 felony.

29 C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of  
30 this section committed on a peace officer while the officer is engaged in the  
31 execution of any official duties is a class 2 felony. Aggravated assault  
32 pursuant to subsection A, paragraph 11 of this section committed on a peace  
33 officer while the officer is engaged in the execution of any official duties  
34 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph  
35 5 of this section resulting in any physical injury to a peace officer while  
36 the officer is engaged in the execution of any official duties is a class 5  
37 felony.

38 D. AGGRAVATED ASSAULT PURSUANT TO:

39 1. SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION IS A CLASS 2 FELONY  
40 IF COMMITTED ON A PROSECUTOR.

41 2. SUBSECTION A, PARAGRAPH 11 OF THIS SECTION IS A CLASS 3 FELONY IF  
42 COMMITTED ON A PROSECUTOR.

43 3. SUBSECTION A, PARAGRAPH 13 OF THIS SECTION IS A CLASS 5 FELONY IF  
44 THE ASSAULT RESULTS IN A PHYSICAL INJURY TO A PROSECUTOR.

1 E. FOR THE PURPOSES OF THIS SECTION, "PROSECUTOR" MEANS COUNTY  
2 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY  
3 COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

4 Sec. 4. Section 13-2401, Arizona Revised Statutes, is amended to read:

5 13-2401. Peace officer or prosecutor personal information on  
6 the world wide web; exception; classification;  
7 definitions

8 A. It is unlawful for a person to knowingly make available on the  
9 world wide web the personal information of a peace officer OR PROSECUTOR if  
10 the dissemination of the personal information poses an imminent and serious  
11 threat to the peace officer's OR PROSECUTOR'S safety or the safety of the  
12 peace officer's OR PROSECUTOR'S immediate family and the threat is reasonably  
13 apparent to the person making the information available on the world wide web  
14 to be serious and imminent.

15 B. It is not a violation of this section if an employee of a county  
16 recorder, county treasurer or county assessor publishes personal information,  
17 in good faith, on the web site of the county recorder, county treasurer or  
18 county assessor in the ordinary course of carrying out its public functions.

19 C. A violation of subsection A is a class 5 felony.

20 D. For the purposes of this section:

21 1. "Immediate family" means a peace officer's OR PROSECUTOR'S spouse,  
22 child or parent and any ~~blood-relative~~ OTHER ADULT who lives in the same  
23 residence as the peace officer OR PROSECUTOR.

24 2. "Personal information" means a peace officer's OR PROSECUTOR'S home  
25 address, home telephone number, pager number, personal photograph, directions  
26 to a peace officer's OR PROSECUTOR'S home or photographs of a peace officer's  
27 OR PROSECUTOR'S home or vehicle.

28 3. "PROSECUTOR" MEANS COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR  
29 ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY COUNTY ATTORNEY, MUNICIPAL  
30 PROSECUTOR OR ATTORNEY GENERAL.

31 Sec. 5. Section 16-153, Arizona Revised Statutes, is amended to read:

32 16-153. Voter registration; confidentiality; definition

33 A. Justices of the supreme court, judges of the court of appeals,  
34 judges or commissioners of the superior court, municipal court judges, peace  
35 officers, PROSECUTORS or ~~victims of domestic violence~~ PERSONS WHO ARE  
36 PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT, AND  
37 ANY OTHER REGISTERED VOTER WHO RESIDES AT THE SAME ADDRESS AS THE JUSTICE,  
38 JUDGE, COMMISSIONER, PROSECUTOR, OFFICER OR PROTECTED PERSON, may request  
39 that the general public be prohibited from accessing the residential address,  
40 telephone number and voting precinct number contained in their voter  
41 registration record.

42 B. Justices, judges, commissioners, PROSECUTORS or officers may  
43 request this action by filing an affidavit which states all of the following:

44 1. The person's name.



1           2. The position the person currently holds and a description of the  
2 person's duties.

3           3. The reasons for reasonably believing that the person's life or  
4 safety or that of another person is in danger and that sealing the  
5 residential address, telephone number and voting precinct number of the  
6 person's voting record will serve to reduce the danger.

7           C. The affidavit shall be filed with the presiding judge of the  
8 superior court in the county in which the affiant resides. To prevent a  
9 multiplicity of filings, peace officers shall deliver the affidavit to their  
10 commanding officer, who shall file the affidavits at one time, AND  
11 PROSECUTORS SHALL DELIVER THE AFFIDAVIT TO THE HEAD OF THE PROSECUTING AGENCY  
12 OR THAT PERSON'S DESIGNEE WHO SHALL FILE THE AFFIDAVITS AT ONE TIME. In the  
13 absence of an affidavit that contains a request for immediate action and is  
14 supported by facts justifying an earlier presentation, the commanding  
15 officer, OR THE HEAD OF THE PROSECUTING AGENCY OR THAT PERSON'S DESIGNEE  
16 shall not file affidavits of peace officers presented to the commanding  
17 officer more often than quarterly.

18           D. Upon receipt of an affidavit or affidavits, the presiding judge of  
19 the superior court shall file with the clerk of the superior court a petition  
20 on behalf of all requesting justices, judges, commissioners, PROSECUTORS and  
21 peace officers. The petition shall have attached each affidavit presented.  
22 In the absence of an affidavit that contains a request for immediate action  
23 and is supported by facts justifying an earlier consideration, the presiding  
24 judge may accumulate affidavits and file a petition at the end of each  
25 quarter.

26           E. The presiding judge of the superior court shall review the petition  
27 and each attached affidavit to determine whether the action requested by each  
28 justice, judge, commissioner, PROSECUTOR or officer should be granted. The  
29 presiding judge of the superior court shall order the sealing of the  
30 information contained in the voter record of the justice, judge,  
31 commissioner, PROSECUTOR or officer AND, ON REQUEST, ANY OTHER REGISTERED  
32 VOTER WHO RESIDES AT THE SAME RESIDENCE ADDRESS if the presiding judge  
33 concludes that this action will reduce a danger to the life or safety of the  
34 affiant.

35           F. Upon entry of the court order, the clerk of the superior court  
36 shall file the court order with the county recorder. Upon receipt of the  
37 court order the county recorder shall seal the voter registration of the  
38 justices, judges, commissioners, PROSECUTORS, or officers AND OTHER PERSONS  
39 listed in the court order no later than one hundred fifty TWENTY days from  
40 the date of receipt of the court order. The information in the registration  
41 shall not be disclosed and is not a public record.

42           G. If the court denies an affiant's requested sealing of the voter  
43 registration record, the affiant may request a court hearing. The hearing  
44 shall be conducted by the court where the petition was filed.

1 H. Upon request by a ~~domestic violence victim~~ PERSON WHO IS PROTECTED  
2 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT and  
3 presentation of an order of protection issued pursuant to section 13-3602,  
4 an injunction against harassment issued pursuant to section 12-1809 or an  
5 order of protection or injunction against harassment issued by a court in  
6 another state, the county recorder shall seal the voter registration record  
7 of the ~~domestic violence victim~~ PERSON WHO IS PROTECTED AND, ON REQUEST, ANY  
8 OTHER REGISTERED VOTER WHO RESIDES AT THE RESIDENCE ADDRESS OF THE PROTECTED  
9 PERSON. The record shall be sealed no later than one hundred fifty TWENTY  
10 days from the date of receipt of the court order. The information in the  
11 registration shall not be disclosed and is not a public record.

12 I. For the purposes of this section, ~~"domestic violence" has the same~~  
13 ~~meaning as prescribed by section 20-448.~~ "PROSECUTOR" MEANS COUNTY ATTORNEY,  
14 MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY COUNTY  
15 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

16 Sec. 6. Section 28-454, Arizona Revised Statutes, is amended to read:  
17 28-454. Public records; peace officers; prosecutors; redaction;  
18 definition

19 A. Notwithstanding sections 28-447 and 28-452, a peace officer OR  
20 PROSECUTOR may request that persons be prohibited from accessing the peace  
21 officer's OR PROSECUTOR'S residential address and telephone number contained  
22 in any record maintained by the department.

23 B. A peace officer OR PROSECUTOR may request this action by filing an  
24 affidavit that states all of the following:

25 1. The peace officer's OR PROSECUTOR'S name.

26 2. The position the peace officer OR PROSECUTOR currently holds and  
27 a description of the peace officer's OR PROSECUTOR'S duties.

28 3. The reasons the peace officer OR PROSECUTOR reasonably believes  
29 that the peace officer's OR PROSECUTOR'S life or safety or that of another  
30 person is in danger and that redacting the residential address and telephone  
31 number from the department's public records will serve to reduce the danger.

32 C. The affidavit shall be filed with the presiding judge of the  
33 superior court in the county in which the affiant resides. To prevent a  
34 multiplicity of filings, a peace officer shall deliver the affidavit to the  
35 peace officer's commanding officer, who shall file the affidavits at one  
36 time, AND PROSECUTORS SHALL DELIVER THE AFFIDAVIT TO THE HEAD OF THE  
37 PROSECUTING AGENCY OR THAT PERSON'S DESIGNEE, WHO SHALL FILE THE AFFIDAVITS  
38 AT ONE TIME. In the absence of an affidavit that contains a request for  
39 immediate action and that is supported by facts justifying an earlier  
40 presentation, the commanding officer, OR THE HEAD OF THE PROSECUTING AGENCY  
41 OR THAT PERSON'S DESIGNEE, shall not file AFFIDAVITS more often than  
42 quarterly affidavits of peace officers presented to the commanding officer.

43 D. On receipt of an affidavit or affidavits, the presiding judge of  
44 the superior court shall cause to be filed with the clerk of the superior  
45 court a petition on behalf of all requesting peace officers AND PROSECUTORS.

1 Each affidavit presented shall be attached to the petition. In the absence  
2 of an affidavit that contains a request for immediate action and that is  
3 supported by facts justifying an earlier consideration, the presiding judge  
4 may accumulate affidavits and file a petition at the end of each quarter.

5 E. The presiding judge of the superior court shall review the petition  
6 and each attached affidavit to determine whether the action requested by each  
7 peace officer AND PROSECUTOR should be granted. The presiding judge of the  
8 superior court shall order the redaction of the residence address and  
9 telephone number from the public records maintained by the department if the  
10 judge concludes that this action will reduce a danger to the life or safety  
11 of the affiant or another person.

12 F. On entry of the court order, the clerk of the superior court shall  
13 file the court order with the department. No more than one hundred fifty  
14 days after the date the department receives the court order, the department  
15 shall redact the residence addresses and telephone numbers of the peace  
16 officers AND PROSECUTORS listed in the court order from the public records  
17 of the department. The residence address and telephone number shall not be  
18 disclosed and are not part of a public record.

19 G. If the court denies an affiant's request pursuant to this section,  
20 the affiant may request a court hearing. The hearing shall be conducted by  
21 the court in the county where the petition was filed.

22 H. FOR THE PURPOSES OF THIS SECTION, "PROSECUTOR" MEANS COUNTY  
23 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY  
24 COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

25 Sec. 7. Section 39-123, Arizona Revised Statutes, is amended to read:

26 39-123. Information identifying a peace officer or prosecutor;  
27 confidentiality; definition

28 A. Nothing in this chapter requires disclosure from a personnel file  
29 by a law enforcement agency or employing state or local governmental entity  
30 of the home address or home telephone number of a peace officer as defined  
31 in section 13-105 OR A PROSECUTOR. This exemption also applies to a  
32 photograph of a peace officer who is serving in an undercover capacity or who  
33 is scheduled to serve in an undercover capacity within sixty days.

34 B. The agency or governmental entity may release the information in  
35 subsection A of this section only if either:

36 1. The peace officer OR PROSECUTOR consents in writing to the release.

37 2. The custodian of records of the agency or governmental entity  
38 determines that release of the information does not create a reasonable risk  
39 of physical injury to the peace officer OR PROSECUTOR or his THE PEACE  
40 OFFICER'S OR PROSECUTOR'S immediate family or damage to the property of the  
41 peace officer OR PROSECUTOR or his THE PEACE OFFICER'S OR PROSECUTOR'S  
42 immediate family.

43 C. This section does not apply to a certified peace officer who is no  
44 longer employed as a peace officer by a state or local government entity.

1 D. FOR THE PURPOSES OF THIS SECTION, "PROSECUTOR" MEANS COUNTY  
2 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY  
3 COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

4 Sec. 8. Section 39-124, Arizona Revised Statutes, is amended to read:  
5 39-124. Releasing information identifying a peace officer or  
6 prosecutor; violations; classification; definition

7 A. Any person who is employed by a state or local government entity  
8 and who, in violation of section 39-123, knowingly releases the home address  
9 or home telephone number of a peace officer as defined in section 13-105 OR  
10 A PROSECUTOR with the intent to hinder an investigation, cause physical  
11 injury to a peace officer OR PROSECUTOR or his THE PEACE OFFICER'S OR  
12 PROSECUTOR'S immediate family or damage to the property of a peace officer  
13 OR PROSECUTOR or his THE PEACE OFFICER'S OR PROSECUTOR'S immediate family is  
14 guilty of a class 6 felony.

15 B. Any person who is employed by a state or local government entity  
16 and who, in violation of section 39-123, knowingly releases a photograph of  
17 a peace officer who is serving in an undercover capacity or who is scheduled  
18 to serve in an undercover capacity within sixty days with the intent to  
19 hinder an investigation, cause physical injury to a peace officer or his THE  
20 PEACE OFFICER'S immediate family or damage to the property of a peace officer  
21 or his THE PEACE OFFICER'S immediate family is guilty of a class 6 felony.

22 C. FOR THE PURPOSES OF THIS SECTION, "PROSECUTOR" MEANS COUNTY  
23 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY  
24 COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

APPROVED BY THE GOVERNOR APRIL 17, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2001.

Passed the House March 6, 2001,

Passed the Senate April 10, 2001,

by the following vote: 58 Ayes,

by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

2 Nays, 1 Not Voting

Jake Flake  
Speaker of the House  
Pro Tempore

Rancho Sant  
President of the Senate

Norman L. Joyce  
Chief Clerk of the House

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 2001,

at 8:25 o'clock A M.

Jandra Ramsey  
Secretary to the Governor

Approved this 17 day of

April, 2001,

at 11:03 o'clock A M.

Jan V. Hull  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 17 day of April, 2001,

at 4:45 o'clock P M.

Patricia Boyles  
Secretary of State

H.B. 2083